

FINANCE

Ch. 32

of this chapter, or assistance chapter, may be furnished to in any fiscal year, if such the amount of such military t IV of subchapter II of this bchapter I of this chapter, or II of this chapter, as the case by subsection (a) of this sec-

e Congress, at least ten days excess funds are provided, the ovided the excess funds, the s funds, and the justification d

ant assistance or assistance this chapter or assistance un- his chapter, the President in- ph (1) his determination that e United States to provide the

excess funds provided in any ational organization for any 000,000.

ng appropriations:
...

shall not apply in the case of ions and may not be waived of this title.

ub.L. 92-226, Pt. III, § 304(b),
Pub.L. 93-559, § 21, Dec. 30,
10(b)(3), 12(c)(2), Sept. 26,

ote

chapter II" for "subchapter IV" and ed in par. (2) "or assistance under VI of subchapter II of this chapter" ding "the President includes".

4 Amendment. Subsec. (a). Pub.L. 93-559, § 21(1), struck out provisions lim- the military grant assistance or se- supporting assistance to any for- country or international organiza- to an amount not more than 10 per- of funds authorized under any law s the President determines that it d be in the security interests of the d States to provide excess funds reports to Congress the identity of ecipient, the amount of excess funds

Ch. 32

MISCELLANEOUS PROVISIONS 22 § 2414

provided, and the justification for addi- tional assistance, now covered in subsec. (b) of this section.

Subsec. (b). Pub.L. 93-559, § 21(2), added subsec. (b). Former subsec. (b) redesignated (c).

Subsec. (c). Pub.L. 93-559, § 21(2), redesignated former subsec. (b) as (c).

Legislative History. For legislative history and purpose of Pub.L. 92-226, see 1972 U.S.Code Cong. and Adm.News, p. 1883. See, also, Pub.L. 93-559, 1974 U.S.Code Cong. and Adm.News, p. 6674; Pub.L. 95-384, 1978 U.S.Code Cong. and Adm.News, p. 1833.

§ 2414. Presidential findings and determinations

Report to Congress

(a) In any case in which the President is required to make a report to the Congress, or to any committee or officer of either House of Congress, concerning any finding or determination under any provision of this chapter, the Foreign Military Sales Act, or the Foreign Assistance and Related Programs Appropriation Act for each fiscal year, that finding or determination shall be reduced to writing and signed by the President.

Action prohibition prior to execution of report

(b) No action shall be taken pursuant to any such finding or determination prior to the date on which that finding or determination has been reduced to writing and signed by the President.

Publication in Federal Register

(c) Each such finding or determination shall be published in the Federal Register as soon as practicable after it has been reduced to writing and signed by the President. In any case in which the President concludes that such publication would be harmful to the national security of the United States, only a statement that a determination or finding has been made by the President, including the name and section of the Act under which it was made, shall be published.

Information accessible to Congress prior to transmission of report

(d) No committee or officer of either House of Congress shall be denied any requested information relating to any finding or determination which the President is required to report to the Congress, or to any committee or officer of either House of Congress, under any provision of this chapter, the Foreign Military Sales Act, or the Foreign Assistance and Related Programs Appropriation Act for each fiscal year, even though such report has not yet been transmitted to the appropriate committee or officer of either House of Congress.

Pub.L. 87-195, Pt. III, § 654, as added Pub.L. 92-226, Pt. III, § 304 (b), Feb. 7, 1972, 86 Stat. 29.

22 § 2414**FOREIGN ASSISTANCE****Ch. 32****Historical Note**

References in Text. This chapter, referred to in subsecs. (a) and (d), was in the original, this Act, meaning Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, known as the Foreign Assistance Act of 1961. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables volume.

The Foreign Military Sales Act, referred to in subsecs. (a) and (d), is Pub. L. 90-629, Ch. I, Oct. 22, 1968, 82 Stat. 1320, as amended, now known as the Arms

Export Control Act, on authority of section 201(b) of Pub. L. 94-329, Title II, June 30, 1976, 90 Stat. 734, and is classified principally to chapter 39 (section 2751 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2751 of this title and Tables volume.

Legislative History. For legislative history and purpose of Pub. L. 92-226, see 1972 U.S. Code Cong. and Adm. News, p. 1883.

§§ 2415, 2416. Repealed. Pub. L. 95-424, Title VI, § 604, Oct. 6, 1978, 92 Stat. 961

Historical Note

Section 2415, Pub. L. 87-195, Pt. III, § 655, as added Pub. L. 92-226, Pt. III, § 304(b), Feb. 7, 1972, 86 Stat. 29, and amended Pub. L. 93-559, § 39(a), Dec. 30, 1974, 88 Stat. 1810, related to a limitation in amounts to be expended for assistance to Cambodia.

Section 2416, Pub. L. 87-195, Pt. III, § 656, as added Pub. L. 92-226, Pt. III, §

304(b), Feb. 7, 1972, 86 Stat. 30, and amended Pub. L. 93-559, § 39(b), Dec. 30, 1974, 88 Stat. 1810, related to a limitation on the number of United States personnel in Cambodia.

Effective Date of Repeal. Repeal by Pub. L. 95-424 effective Oct. 1, 1978, see section 605 of Pub. L. 95-424, set out as a note under section 2151 of this title.

§ 2417. Repealed. Pub. L. 95-424, Title V, § 502(d)(1), Oct. 6, 1978, 92 Stat. 959

Historical Note

Section, Pub. L. 87-195, Pt. III, § 657, as added Pub. L. 95-384, § 14, Sept. 26, 1978, 92 Stat. 739, related to an annual report by the President to Congress covering military assistance and exports. A prior section 2417, Pub. L. 87-195, Pt. III, § 657, as added Pub. L. 92-226, Pt. III, § 304(b), Feb. 7, 1972, 86 Stat. 30, and amended Pub. L. 93-189, § 23, Dec. 17, 1973, 87 Stat. 728; Pub. L. 94-273, § 5(2), Apr. 21, 1976, 90 Stat. 377; Pub. L. 94-329, Title II, § 216, June 30, 1976, 90

Stat. 747, relating to an annual report by the President to Congress showing the dollar value of foreign assistance including military sales, education and training, was repealed by Pub. L. 95-424, Title V, § 502(d)(1), Oct. 6, 1978, 92 Stat. 959.

Effective Date of Repeal. Repeal by Pub. L. 95-424 effective Oct. 1, 1978, see section 605 of Pub. L. 95-424, set out as a note under section 2151 of this title.

§ 2418. Repealed. Pub. L. 95-424, Title VI, § 604, Oct. 6, 1978, 92 Stat. 961

Historical Note

Section, Pub. L. 87-195, Pt. III, § 658, as added Pub. L. 92-226, Pt. III, § 304(b), Feb. 7, 1972, 86 Stat. 32, related to certification by the Comptroller General of the release of previously impounded funds prior to the expenditure of funds

appropriated to carry out the purposes of this chapter.

Effective Date of Repeal. Repeal by Pub. L. 95-424 effective Oct. 1, 1978, see section 605 of Pub. L. 95-424, set out as a note under section 2151 of this title.

FOREIGN RELATIONS

162

III—MISCELLANEOUS PROVISIONS

er—
the main volume for text of (a) to (c)]

includes—

the main volume for text of (1) to (4)]

nt vessels or, as defined by the Atomic Energy Act of 1954, (11), source material (except uranium depleted in the isotope in defense articles solely to take advantage of high density stics unrelated to radioactivity), byproduct material, special tion facilities, utilization facilities, or atomic weapons or ted Data.

the main volume for text of (e) to (1)]

main volume for text of (1) and (2)]

o a nonexcess defense article delivered from new procure-tries or international organizations under this chapter, the n costs of such article;

a defense service, the cost to the United States Govern-; and

military education and training or services provided under ter II of this chapter, the additional costs that are incurred Government in furnishing such assistance.

ume for text of closing sentences; (n) to (p)]

22, Oct. 29, 1979, 93 Stat. 710; Pub.L. 96-533, Title I, § 115(b) (1), Pub.L. 98-151, § 101(b)(2), Nov. 14, 1983, 97 Stat. 972.)

Pub.L. 98-151 is solution No. y 17, 1983, ent law by Pub.L.

(m)(5). Pub.L. rovided under part chapter" following

(m)(5). Pub.L.

ograms for dependable fuel supplies

Nuclear Power- b.L. 95-92, § 14, ibited any of the t this chapter for eed to finance the maintenance of, nuclear powerplant tion between the country, and was

1979 Amendment. Subsec. (d). Pub.L. 96-532 defined "defense article" to include uranium depleted in the isotope 235 which is incorporated in defense articles solely to take advantage of high density or pyrophoric characteristics unrelated to radioactivity.

Legislative History. For legislative history and purpose of Pub.L. 96-92, see 1979 U.S. Code Cong. and Adm. News, p. 1651. See, also, Pub.L. 96-533, 1980 U.S. Code Cong. and Adm. News, p. 6540.

repealed by Pub.L. 97-113, Title VII, § 734(a) (13), Dec. 29, 1981, 95 Stat. 1560.

Nuclear Powerplants in Israel or Egypt. Pub.L. 93-559, § 43, Dec. 30, 1974, 88 Stat. 1813, which related to financing of nuclear powerplants in Israel and Egypt, was repealed by Pub.L. 97-113, Title VII, § 734(a) (8), Dec. 29, 1981, 95 Stat. 1560.

L. 97-113, Title VII, § 734(a) (15), Dec. 29, 1981, 95 Stat.

an. 12, 1971, 84 loan, or transfer to any foreign

country (or agency thereof) other than South Viet-nam.

163

FOREIGN RELATIONS

22 § 2414a

§ 2411. Limitation upon exercise of special authorities

The President shall not exercise any special authority granted to him under section 2318(a) or 2360(a) of this title unless the President, prior to the date he intends to exercise any such authority, notifies the Speaker of the House of Representatives and the Committee on Foreign Relations of the Senate in writing of each such intended exercise, the section of this chapter under which such authority is to be exercised, and the justification for, and the extent of, the exercise of such authority.

(As amended Pub.L. 96-533, Title I, § 117(b), Dec. 16, 1980, 94 Stat. 3141.)

1980 Amendment. Pub.L. 96-533 deleted refer-ence to section 2364(a) of this title.

Legislative History. For legislative history and purpose of Pub.L. 96-533, see 1980 U.S. Code Cong. and Adm. News, p. 6540.

§ 2413. Changes in allocation of foreign assistance

Delegation of Functions. Functions of the President under this section, delegated to the Director of the United States International Development Cooperation Agency, shall be carried out in consultation with the Director of Office of Management and Budget, see section 1-102(e) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, set out as a note under section 2381 of this title.

Functions of the President under this section, insofar as they relate to section 2291 et seq. of this title and this subchapter, delegated to the Secretary of State, see section 1-201(a) (16) and (c) of Ex.Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, set out as a note under section 2381 of this title.

§ 2414. Presidential findings and determinations

Delegation of Functions. Functions of the President under this section, except as reserved to the President, delegated to the heads of agencies having responsibilities for carrying out the provi-

sions of this chapter, see section 1-601(a) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, set out as a note under section 2381 of this title.

§ 2414a. Presidential assessment of support of foreign policy of United States during preceding twelve months by foreign countries; report to Congress; support in United Nations bodies and with respect to related documents; compilation of report; funding limitations

Not later than January 31 of each year, or at the time of the transmittal by the President to the Congress of the annual presentation materials on foreign assistance, whichever is earlier, the President shall transmit to the Speaker of the House of Representatives and the President of the Senate a full and complete report which assesses, with respect to each foreign country, the degree of support by the government of each such country during the preceding twelve-month period for the foreign policy of the United States. Such report shall include, with respect to each such country which is a member of the United Nations, information to be compiled and supplied by the Permanent Representative of the United States to the United Nations, consisting of a comparison of the overall voting practices in the principal bodies of the United Nations during the preceding twelve-month period of such country and the United States, with special note of the voting and speaking records of such country on issues of major importance to the United States in the General Assembly and the Security Council, and shall also include a report on actions with regard to the United States in important related documents such as the Non-Aligned Communique. A full compilation of the information supplied by the Permanent Representative of the United States to the United Nations for inclusion in such report shall be provided as an addendum to such report. None of the funds appropriated or otherwise made available pursuant to section 101(b) of Pub.L. 98-151 shall be obligated or expended to finance directly any assistance to a country which the President finds, based on the contents of the report required to be transmitted under this section, is engaged in a consistent pattern of opposition to the foreign policy of the United States.

(Pub.L. 98-151, § 101(b)(1), Nov. 14, 1983, 97 Stat. 967.)

Codification. "Section 101(b) of Pub.L. 98-151" was in the original "this subsection", meaning section 101(b) of Pub.L. 98-151, Nov.

14, 1983, 97 Stat. 964 to 972, which in addition to enacting this section, enacted sections 2151f, and